

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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Application for Patent

Filed September 5, 2000

Serial No. 09/655,273

Group Art Unit 2165

Examiner: AL HASHEMI, Sana A.

FOR:

**METHOD AND SYSTEM FOR PROVIDING AND UPDATING
ON-LINE FORMS AND REGISTRATIONS**

APPEAL BRIEF

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I. REAL PARTY IN INTEREST

The real party in interest is the inventor, C. Douglass Thomas.

II. RELATED APPEALS AND INTERFERENCES

It is believed that there are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

This application was filed September 5, 2000 with claims 1-21. The final rejection dated July 6, 2009 was appealed by a Notice of Appeal filed on October 6, 2009. A prior Notice of Appeal filed November 16, 2005 was obviated when prosecution was reopened.

Claims 6-12, 16, 19-20, 22-24, 27-31 and 34-38 are pending, and the status of each claim is as follows:

Claims 6-12, 16, 19-20, 22-24, 27-31 and 34-38: Rejected

IV. STATUS OF AMENDMENTS

All Amendments filed have been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The invention pertains to techniques for automatically monitoring a registration to determine whether the registration needs updated. The invention is particularly useful for monitoring copyright registrations so that they can be kept up-to-date.

Independent claim 19 provides a computer-implemented method for determining whether a copyright registration update is needed. See, e.g., Figs. 3-8B

and pages 9-19. The method includes at least: comparing page defining information of at least a portion of a website against page defining information of a corresponding portion of an earlier stored version of the website that was previously subject to a copyright registration with the U.S. Copyright Office to produce a change indication [Fig. 5, #510]; determining that the copyright registration update is needed for the website based on the change indication [Fig. 5, #512]; producing copyright registration application information when it is determined that the copyright registration update is needed for the website [Fig. 6, #612]; and storing the copyright registration application information [Fig. 6, #622]. The page defines information pertaining to attributes of the at least a portion of the website. The attributes include at least two or more of: date, size, word count, links, frame layout, tables, colors, number of inputs, and number or types of buttons.

Independent claim 24 provides a computer-implemented method for performing a copyright registration update. See, e.g., Figs. 3-8B and pages 9-19. The method includes at least: storing descriptive information on a prior version of a website that was previously subject to a prior copyright registration with the U.S. Copyright Office [Fig. 5, #506]; storing prior registration information pertaining to the prior copyright registration of the website [Fig. 6, #608]; comparing at least a portion of descriptive information on a current version of the website against at least a portion of the descriptive information on the prior version of the website that was previously subject to the prior copyright registration to produce a change indication [Fig. 5, #510]; determining that the copyright registration update is needed for the website based on the change indication [Fig. 5, #512]; determining update registration information for a subsequent copyright registration for the website when it is determined that the copyright registration update is needed, the update registration information automatically being based at least in part on the prior registration information pertaining to the prior copyright registration of the website; initiating the subsequent copyright registration for the website with the U.S. Copyright Office [Fig. 6, #612]; and storing the subsequent registration information pertaining to the subsequent copyright registration of the website [Fig. 6, #622].

Independent claim 37 provides a program storage device readable by a machine, tangibly embodying a program of computer instructions executable by the machine to determine whether a copyright registration update is needed. See, e.g., Figs. 3-8B and pages 9-19. The computer readable medium includes at least: computer instructions for comparing page defining information of at least a portion of a website against page defining information of a corresponding portion of an earlier stored version of the website that was previously subject to a copyright registration with the U.S. Copyright Office to produce a change indication [Fig. 5, #510]; and computer instructions for determining that the copyright registration update is needed for the website based on the change indication [Fig. 5, #512]. The page defining information pertains to a plurality of different attributes of the at least a portion of the website. The attributes include at least two or more of: name, position, size, date, and links.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues presented on appeal are:

A. Whether claims 6-11, 16, 19-20, 22-24, 27-31 and 34-38 are obvious over Freivald (USP 5,898,836) in view of Glogau (USP 5,983,351) under 35 U.S.C §103(a).

B. Whether claims 12, 25, 26, 32 and 33 are obvious over Freivald (USP 5,898,836) in view of Glogau (USP 5,983,351) and further in view of *Information Today* (Article from Information Today entitled “Library of Congress and Copyright Office Sign Agreement with UMI”, allegedly published March 1999) under 35 U.S.C §103(a).

VII. ARGUMENT

A. THE PATENTABILITY REJECTIONS

Claims 6-11, 16, 19-20, 22-24, 27-31 and 34-38 were finally rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Freivald (USP 5,898,836) in view of Glogau (USP 5,983,351). Claims 12, 25, 26, 32 and 33 were finally rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Freivald in view of Glogau and further in view of *Information Today* (Article from Information Today entitled “Library of Congress and Copyright Office Sign Agreement with UMI”, allegedly published March 1999).

Although Appellant submits that all claims are clearly patentable over the cited art, patentability arguments for all independent claims and certain dependent claims are provided below.

1. Claim 19 is Patentable

Claim 19 pertains to a computer-implemented method for determining whether a copyright registration update is needed. More specifically, claim 19 is as follows:

A computer-implemented method for determining whether a copyright registration update is needed, said method comprising:

- comparing page defining information of at least a portion of a website against page defining information of a corresponding portion of an earlier stored version of the website that was previously subject to a copyright registration with the U.S. Copyright Office to produce a change indication;
- determining that the copyright registration update is needed for the website based on the change indication;
- producing copyright registration application information when it is determined that the copyright registration update is needed for the website; and
- storing the copyright registration application information,

wherein the page defining information pertains to attributes of the at least a portion of the website, the attributes including at least two or more of: date, size, word count, links, frame layout, tables, colors, number of inputs, and number or types of buttons.

i. FREIVALD AND GLOGAU ARE CLEARLY DEFICIENT IN TEACHING OR SUGGESTING CLAIM 19

h. Neither Freivald nor Glogau teach or suggest a copyright registration update of any sort

Claim 19 pertains to a method for determining whether a copyright registration update is needed for a website. The method evaluates whether a copyright registration update is needed, and can produce copyright registration application information when a copyright registration update is needed.

On page 3 of the final Office Action, the Examiner alleged, improperly so, that Freivald teaches in “response to a sufficient degree of change, a determination is made for the need of an update action, such as a need for a correction of links (col. 13, line 65 through col. 14, line 10).” For convenience, this referenced portion of Freivald states:

Webmasters may use the invention to keep track of linked pages. Many web pages contain hyper links to other web pages which often appear as underlined text. When the user clicks on hyper text, the URL of the hyper text is used to retrieve the referenced web page. Since the linked URL's may change, the links may fail unexpectedly. The webmaster can register all of the URL's for hyper links on his web page. Thus when any of the linked pages change, the webmaster is notified. Complete failures of these links are also detected by the change-detection tool. Thus webmasters can avoid the embarrassment of failed links by registering these links and having them automatically checked.

This referenced portion of Freivald is concerned with failed links of a webpage. Hence, here, Freivald is merely teaching that a “webmaster can register all of the URL's of hyper links on his web page. Thus, when any of the linked pages change, the webmaster is notified.” There is no alleged update action that occurs. Rather, when a linked page changes, a notification is sent to the webmaster so that the webmaster can avoid the embarrassment of failed links.

There is, however, no “update action” that occurs, not is it taught or suggested by Freivald. Indeed, the phrase “update action” does not appear in Freivald.

Moreover, while the Examiner makes mention of an “update action”, the alleged updates would, in any event, not serve to update a registration of any type, let alone be for updating a copyright registration. Thus, the Examiner has erred by relying on an “update action” in Freivald when none is disclosed or exists in Freivald.

Freivald does not teach or suggest monitoring to determine when to update a copyright registration. Freivald simply offers a change-detection web server that can automatically check web pages (web-page documents) for recent changes. A user can be notified by electronic mail when a change to a web page has been detected. Once notified, the user can presumably take appropriate action, such as obtaining a new version of the webpage or updating failed links. However, detecting a change in a webpage and informing a user that the webpage has changed is not in any way an update to any type of registration -- much less a copyright registration. Consequently, nothing in Freivald can teach or suggest that webpage changes or, failed links (e.g., URLs) as specifically referenced by the Examiner, can in any way teach or suggest determination of a need for a copyright registration update.

As for Glogau, the Examiner relies on Glogau for “copyright registration functionality”. See final Office Action, page 3. While Glogau does disclose copyright registration for a website, Glogau offers no teaching or suggestion for a copyright registration update or monitoring therefor. Instead, Glogau teaches a method to determine the proper copyright forms for registration of a copyright for the website with the Copyright Office.

Thus, it is submitted that nothing in Freivald or Glogau teaches or suggests anything about copyright registration updates.

i. **Neither Freivald nor Glogau teach or suggest determining whether a copyright registration update is needed for a website based on a change indication**

As noted above, claim 19 pertains to a method for determining whether a copyright registration update is needed for a website. In doing so, claim 19 performs the act of “determining that the copyright registration update is needed for the website based on the change indication....” Hence, according to claim 19, there is a determination made that a copyright registration update is needed for a website based on a change indication.

On page 3 of the final Office Action, the Examiner incorrectly argues that Freivald teaches in “response to a sufficient degree of change, a determination is made for the need of an update action, such as a need for a correction of links (col. 13, line 65 through col. 14, line 10).” As noted above, Freivald at best can determine that changes to a webpage have been made or that links on a webpage now fail, but fails to teach or suggest any need for an update to a copyright registration.

To the extent that the final Office Action now equates the “update action” for correction of faulty links to a determination that a copyright registration update is needed, the Examiner is improperly reading Freivald. The citation to Freivald provided by the Examiner merely teaches that the “webmaster can register all of the URL’s of hyper links on his web page. Thus, when any of the linked pages change, the webmaster is notified.” There is no update to a copyright registration that occurs. Rather, when the linked page changes, a notification is sent to the webmaster so that webmaster can avoid the embarrassment of failed links – no update action is taken, taught or suggested by Freivald. Glogau equally fails to teach or suggest any need or ability for providing a copyright registration update. Hence, even if Freivald and Glogau were to be combined, the combination lacks any teaching or suggestion for determining that a copyright registration update is needed.

Accordingly, neither Freivald nor Glogau teach, disclose, or suggest “determining that the copyright registration update is needed for the website based on the change indication” as claimed in claim 19.

j. **Freivald and Glogau do not teach or suggest comparing page defining information to determine whether a copyright registration update is needed**

In addition, claim 19 recites that page defining information for a website is used when comparing a current version of a website with a prior version (or earlier stored version) of the website. Specifically, claim 19 recites “comparing page defining information of at least a portion of a website against page defining information of a corresponding portion of an earlier stored version of the website that was previously subject to a copyright registration with the U.S. Copyright Office to produce a change indication” (claim 19, lines 3-6). The results of the comparison are used to determine whether a copyright registration update is needed for the website.

Freivald and Glogau fail to teach or suggest use of page defining information when comparing a current version of a website with a prior version to determine whether a copyright registration update is needed for the website. The change-detection tool described in Freivald uses a checksum or Cyclic Redundancy Code (CRC) as a digital fingerprint to determine if a current version of a web page is identical to a prior version of the web page. In contrast, the page defining information pertains to attributes of a website. As noted in the specification, page defining information can include a variety of different characteristics or parameters of a web page. Examples of such attributes are “file date, file size, word count, number of links, frame layout, tables, color, number of inputs, number of buttons and types of buttons, etc.” See, e.g., Specification pages 17-19. In this regard, claim 19 also specifically recites “wherein the page defining information pertains to attributes of the at least a portion of the website, the attributes including at least two or more of: date, size, word count, links, frame layout, tables, colors, number of inputs, and number or

types of buttons.” Hence, it is submitted that CRC approach used in Freivald cannot be equated to, and thus fails to teach or suggest, use of page defining information as recited in claim 19.

Furthermore, on page 4 of the final Office Action, the Examiner generally and erroneously generally referenced column 8, lines 1-65 of Freivald; however, there is no teaching or suggestion in Freivald for anything other than CRC or checksums which are distinct from use of page defining information pertaining to attributes as recited in claim 19.

Accordingly, neither Freivald nor Glogau teach, disclose, or suggest utilizing page defining information to produce a change indication that is used in determining whether a copyright registration update is needed for a website as recited in claim 19.

k. There is no motivation or suggestion to combine Freivald with Glogau

Appellant submits, notwithstanding the Examiner’s assertion to the contrary, that there is no reasonable rationale why anyone skilled in the art would reasonably seek to combine Freivald and Glogau. “A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of argument reliant upon ex post reasoning.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1397 (2007). Unfortunately, the Examiner has fallen victim to hindsight reasoning.

As already noted above, even if Freivald and Glogau were somehow combined, the combination of these references would not teach or suggest all the limitations of claim 19. While such is fatal to the Examiner’s rejections, there is also nothing of record that would motivate one skilled in the art to combine Freivald and Glogau as proposed by the Examiner.

There is no rational logic that would suggest that one skilled in the art would combine Freivald’s “correction of failed links” of a webpage with Glogau’s

“copyright registration functionality” to somehow magically arrive at the ability to determine that a copyright registration for a website should be updated.

Freivald teaches comparing webpages to detect a change so as to reduce “the time and effort required by a user wanting to keep abreast of changes at a web site.” Glogau, on the other hand, teaches a method to determine the proper copyright forms to register with the Copyright office. Nowhere does Freivald suggest, mention or disclose updating a copyright registration, nor does Glogau suggest, mention or disclose comparing documents to determine whether an update registration is required. Thus, there is no suggestion or motivation in the prior art references themselves to make the modification needed to arrive at claim 19. Specifically, nowhere in Freivald or Glogau does it teach or suggest “determining that the copyright registration update is needed for the website based on the change indication” as claimed in claim 19. Accordingly, common sense dictates that one of ordinary skill in the art would not attempt to combine Freivald with Glogau as proposed by the Examiner. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 82 U.S.P.Q.2d 1687 (Fed. Cir. 2007) (“common sense ... demonstrates why some combinations would be obvious and other would not”).

Therefore, there is no reasonable expectation of success that the alleged combination of Freivald and Glogau would result in rendering claim 19 obvious and there is no suggestion or motivation to combine Freivald and Glogau.

ii. CONCLUSION

Accordingly, it is respectfully submitted that claim 19 is not rendered obvious by Freivald, alone or in combination with Glogau, since Freivald and Glogau both fail to teach or suggest one or more limitations recited in claim 19, the combination thereof would not yield claim 19, and there is no reasonable basis to combine Freivald and Glogau. Therefore, the rejection of claim 19 is an

improper rejection. It is respectfully requested that the rejection of claim 19 under 35 U.S.C §103(a) be reversed.

Dependent claims 6-12, 16, 20-23 and 33 are also patentably distinct from Freivald, alone or in combination with Glogau, for at least the same reasons as independent claim 19. These dependent claims also recite additional limitations that further distinguish these dependent claims from Freivald and Glogau. It is respectfully requested that the rejection of claims 6-12, 16, 19, 20-23 and 33 under 35 U.S.C §103(a) be reversed.

2. Claim 9 is Patentable

Claim 9 depends from claim 19 and further recites:

wherein the email notification provides information on the amount of content change and a recommendation for another copyright registration.

The final Office Action rejected claim 9 only on the basis specified in a prior Office Action dated July 13, 2005 which was incorporated by reference into the final Office Action. Nothing in Freivald and Glogau teaches or suggests an email notification that would provide a recommendation for another copyright registration. The final Office Action also did not address this limitation of claim 9.

Accordingly, it is respectfully submitted that claim 9 is further patentably distinct from Freivald and Glogau. It is respectfully requested that the rejection of claim 9 under 35 U.S.C §103(a) be reversed.

3. Claim 23 is Patentable

Claim 23 depends from claim 19 and further recites:

determining whether the copyright registration update is authorized to be performed; and
automatically performing an on-line copyright registration for the website when the copyright registration update is authorized.

The final Office Action rejected claim 23 only on the basis specified in a prior Office Action dated July 13, 2005 which was incorporated by reference into the final Office Action. However, the Examiner did not address the limitations as recited in claim 23. Nothing in Freivald and Glogau teaches or suggests to determine whether a copyright registration update for a website is authorized, and then, if determined to be authorized, automatically performing an on-line copyright registration for the website. Accordingly, it is respectfully submitted that claim 23 is further patentably distinct from Freivald in view of Glogau. It is respectfully requested that the rejection of claim 23 under 35 U.S.C §103(a) be reversed.

4. Claim 33 is Patentable

Claim 33 depends from claim 19 and further recites:

determining whether the copyright registration update is pre-authorized to be performed; and
automatically performing a copyright registration for the website when it is determined that the copyright registration update is pre-authorized the pre-authorization being provided prior to determination by said determining whether the copyright registration update is needed.

The final Office Action rejected claim 33 only on the basis specified in a prior Office Action dated July 13, 2005 which was incorporated by reference into the final Office Action. There the Examiner relies on a combination of Freivald in view of Glogau and *Information Today*. However, nothing in Freivald, Glogau or *Information Today* teaches or suggests to determine whether a copyright registration update for a website is pre-authorized, and then, if determined to be authorized, automatically performing an on-line copyright registration for a website. Moreover, the Examiner somehow asserts that “providing on-line deposit of fees” is a teaching for “pre-authorization.” This cannot be. A deposit of fees has no ability to act as a pre-authorization to file a copyright registration update. Accordingly, it is respectfully submitted that claim 33 is further patentably distinct from Freivald in view of Glogau and *Information Today*. It is

respectfully requested that the rejection of claim 33 under 35 U.S.C §103(a) be reversed.

5. Claim 24 is Patentable

Claim 24 pertains to a computer implemented method for performing a copyright registration update. More specifically, claim 24 is as follows:

A computer implemented method for performing a copyright registration update, said method comprising:

- (a) storing descriptive information on a prior version of a website that was previously subject to a prior copyright registration with the U.S. Copyright Office;
- (b) storing prior registration information pertaining to the prior copyright registration of the website;
- (c) comparing at least a portion of descriptive information on a current version of the website against at least a portion of the descriptive information on the prior version of the website that was previously subject to the prior copyright registration to produce a change indication;
- (d) determining that the copyright registration update is needed for the website based on the change indication;
- (e) determining update registration information for a subsequent copyright registration for the website when said determining (d) determines that the copyright registration update is needed, the update registration information automatically being based at least in part on the prior registration information pertaining to the prior copyright registration of the website;
- (f) initiating the subsequent copyright registration for the website with the U.S. Copyright Office; and
- (g) storing the subsequent registration information pertaining to the subsequent copyright registration of the website.

i. **FREIVALD AND GLOGAU ARE CLEARLY DEFICIENT IN TEACHING OR SUGGESTING CLAIM 24**

e. **Examiner has not made out a *Prima Facie* rejection for claim 24**

In rejecting claim 24, the Examiner summarily concluded that claim 24 was unpatentable without expressly considering all of its recited limitations. Specifically, the final Office Action rejected claim 24 only on the basis specified in a prior Office Action dated July 13, 2005 which was incorporated by reference into the final Office Action. Such basis is entirely provided as follows:

The subject matter of claim 24 is rejected in the analysis above in claim 19 and this claim is rejected on that basis. The subject matter of Freivald can initiate more than just one single copyright registration and any copyright registration initiated which is subsequent to some previously initiated registration in a subsequent registration.

While claim 19 shares some similarity with claim 24, the claims are not co-extensive. As a result, the Examiner has not considered various limitations of claim 24. As some examples of limitations in claim 24 but not considered include “(a) storing descriptive information on a prior version of a website that was previously subject to a prior copyright registration with the U.S. Copyright Office”; “(b) storing prior registration information pertaining to the prior copyright registration of the website”; and “update registration information automatically being based at least in part on the prior registration information pertaining to the prior copyright registration of the website”. Consequently, it is submitted that the final Office Action fails to make out a *prima facie* rejection of claim 24.

b. **Neither Freivald nor Glogau teach or suggest a copyright registration update of any sort**

Claim 24 pertains to a method for performing a copyright registration update for a website. The method can evaluate whether a copyright registration update is needed, can produce copyright registration application information

when a copyright registration update is needed, and can initiate a subsequent copyright registration.

As previously noted, Freivald does not teach or suggest monitoring to determine when to update a copyright registration. Freivald simply offers a change-detection web server that can automatically check web pages (web-page documents) for recent changes. A user can be notified by electronic mail when a change to a web page has been detected. Once notified, the user can presumably take appropriate action, such as obtaining a new version of the webpage or updating failed links. However, detecting a change in a webpage and informing a user that the webpage has changed is not in any way an update to any type of registration --much less a copyright registration. Consequently, nothing in Freivald can teach or suggest that webpage changes or, failed links (e.g., URLs) as specifically referenced by the Examiner, can in any way teach or suggest determination of a need for a copyright registration update.

As for Glogau, the Examiner relies on Glogau for “copyright registration functionality”. While Glogau does disclose copyright registration for a website, Glogau offers no teaching or suggestion for a copyright registration update or monitoring therefor. Instead, Glogau teaches a method to determine the proper copyright forms for registration of a copyright for the website with the Copyright Office.

Thus, it is submitted that nothing in Freivald or Glogau teaches or suggests anything about copyright registration updates.

c. Neither Freivald nor Glogau teach or suggest determining whether a copyright registration update is needed for a website based on a change indication

Claim 24, like claim 19 above, pertains to a method that determines whether a copyright registration update is needed for a website. In doing so, claim 24 performs the act of “determining that the copyright registration update is needed for the website based on the change indication....” Hence, according to

claim 24, there is a determination made that a copyright registration update is needed for a website based on a change indication.

As noted above, Freivald at best can determine that changes to a webpage have been made or that links on a webpage now fail, but fails to teach or suggest any need for an update to a copyright registration.

To the extent that the final Office Action attempts to equate the “update action” for correction of faulty links with a determination that a copyright registration update is needed, the Examiner is improperly reading Freivald. The citation to Freivald provided by the Examiner merely teaches that the “webmaster can register all of the URL’s of hyper links on his web page. Thus, when any of the linked pages change, the webmaster is notified.” There is no update to a copyright registration that occurs. Rather, when the linked page changes, a notification is sent to the webmaster so that webmaster can avoid the embarrassment of failed links – no update action is taken, taught or suggested by Freivald. Glogau equally fails to teach or suggest any need or ability for providing a copyright registration update. Hence, even if Freivald and Glogau were to be combined, the combination lacks any teaching or suggestion for determining that a copyright registration update is needed.

Accordingly, neither Freivald nor Glogau teach, disclose, or suggest “determining that the copyright registration update is needed for the website based on the change indication” as claimed in claim 24.

d. **Freivald and Glogau do not teach or suggest comparing descriptive information of websites to determine whether a copyright registration update is needed**

In addition, claim 24 recites that descriptive information for a website is used when comparing a current version of a website with a prior version of the website (previously the subject of a copyright registration). Specifically, claim 24 recites “(c) comparing at least a portion of descriptive information on a current version of the website against at least a portion of the descriptive information on

the prior version of the website that was previously subject to the prior copyright registration to produce a change indication” (claim 24, lines 7-10). The results of the comparison are used to determine whether a copyright registration update is needed for the website.

Freivald and Glogau fail to teach or suggest use of descriptive information when comparing a current version of a website with a prior version to determine whether a copyright registration update is needed for the website. The change-detection tool described in Freivald uses a checksum or CRC as a digital fingerprint to determine if a current version of a web page is identical to a prior version of the web page. In contrast, the descriptive information of a website serves to describe the website. The descriptive information can, for example, include page defining information that pertains to attributes of a website. A checksum or CRC (i.e., merely number) is a mere digital fingerprint and offers no descriptive capability. Hence, it is submitted that CRC approach used in Freivald cannot be equated to, and thus fails to teach or suggest, use of descriptive information as recited in claim 24.

Accordingly, neither Freivald nor Glogau teach, disclose, or suggest utilizing descriptive information of websites to produce a change indication that is used in determining whether a copyright registration update is needed for a website as recited in claim 24.

e. The various limitations not addressed in the rejection are not taught or suggested by Freivald or Glogau

As noted above in subsection (a), the Examiner has not considered various limitations of claim 24. As some examples of limitations in claim 24 overlooked by the Examiner include:

- (a) storing descriptive information on a prior version of a website that was previously subject to a prior copyright registration with the U.S. Copyright Office;
- (b) storing prior registration information pertaining to the prior copyright registration of the website;

....
(e) determining update registration information for a subsequent copyright registration for the website when said determining (d) determines that the copyright registration update is needed, the update registration information automatically being based at least in part on the prior registration information pertaining to the prior copyright registration of the website;
....

None of these overlooked limitations are taught or suggested by Freivald or Glogau.

f. **Freivald and Glogau fail to teach or suggest initiating a copyright registration**

Claim 24 also recites “(f) initiating the subsequent copyright registration for the website with the U.S. Copyright Office.” Neither Freivald nor Glogau teach or suggest initiating a subsequent copyright registration with the U.S. Copyright Office after determining that a copyright registration is needed and also determining update registration information. In addition, Freivald and Glogau do not teach or suggest that the subsequent copyright registration uses updated registration information that is automatically based in part on the prior registration information for a prior copyright registration of the website.

g. **There is no motivation or suggestion to combine Freivald with Glogau**

Appellant submits, notwithstanding the Examiner’s assertion to the contrary, that there is no reasonable rationale why anyone skilled in the art would reasonably seek to combine Freivald and Glogau. “A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of argument reliant upon ex post reasoning.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1397 (2007). Unfortunately, the Examiner has fallen victim to hindsight reasoning.

As already noted above, even if Freivald and Glogau were somehow combined, the combination of these references would not teach or suggest all the limitations of claim 24. While such is fatal to the Examiner's rejections, there is also nothing of record that would motivate one skilled in the art to combine Freivald and Glogau as proposed by the Examiner.

There is no rational logic that would suggest that one skilled in the art would combine Freivald's "correction of failed links" of a webpage with Glogau's "copyright registration functionality" to somehow magically arrive at the ability to determine that a copyright registration for a website should be updated.

Freivald teaches comparing webpages to detect a change so as to reduce "the time and effort required by a user wanting to keep abreast of changes at a web site." Glogau, on the other hand, teaches a method to determine the proper copyright forms to register with the Copyright office. Nowhere does Freivald suggest, mention or disclose updating a copyright registration, nor does Glogau suggest, mention or disclose comparing documents to determine whether an update registration is required. Thus, there is no suggestion or motivation in the prior art references themselves to make the modification needed to arrive at claim 24. Specifically, nowhere in Freivald or Glogau does it teach or suggest "determining that the copyright registration update is needed for the website based on the change indication" as claimed in claim 24. Accordingly, common sense dictates that one of ordinary skill in the art would not attempt to combine Freivald with Glogau as proposed by the Examiner. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 82 U.S.P.Q.2d 1687 (Fed. Cir. 2007) ("common sense ... demonstrates why some combinations would be obvious and other would not").

Therefore, there is no reasonable expectation of success that the alleged combination of Freivald and Glogau would result in rendering claim 24 obvious and there is no suggestion or motivation to combine Freivald and Glogau.

ii. CONCLUSION

Accordingly, it is respectfully submitted that claim 24 is not rendered obvious by Freivald, alone or in combination with Glogau. Since Freivald and Glogau both fail to teach or suggest one or more limitations recited in claim 24, the combination thereof would not yield claim 24, and there is no reasonable basis to combine Freivald and Glogau. Therefore, the rejection of claim 24 is an improper rejection. It is respectfully requested that the rejection of claim 24 under 35 U.S.C §103(a) be reversed.

Dependent claims 25-32 and 34-36 are also patentably distinct from Freivald, alone or in combination with Glogau, for at least the same reasons as independent claim 24. These dependent claims also recite additional limitations that further distinguish these dependent claims from Freivald and Glogau. It is respectfully requested that the rejection of claims 24-32 and 34-36 under 35 U.S.C §103(a) be reversed.

6. Claim 25 is Patentable

Claim 25 depends from claim 25 and further recites:

determining whether the subsequent copyright registration update is authorized to be performed; and
automatically performing an on-line copyright registration submission with the U.S. Copyright Office for the website when the subsequent copyright registration update is authorized.

The final Office Action rejected claim 24 only on the basis specified in a prior Office Action dated July 13, 2005 which was incorporated by reference into the final Office Action. However, the Examiner did properly address all the limitations as recited in claim 25. Nothing in Freivald and Glogau teaches or suggests to determine whether an on-line copyright registration for a website is authorized, and then, if determined to be authorized, automatically performing an on-line copyright registration for a website. Accordingly, it is respectfully submitted that claim 25 is further patentably distinct from Freivald in view of

Glogau. It is respectfully requested that the rejection of claim 25 under 35 U.S.C §103(a) be reversed.

7. Claim 26 is Patentable

Claim 26 depends from claim 24 and further recites:

- (h) determining whether the subsequent copyright registration is pre-authorized to be performed; and
- (i) automatically performing an on-line copyright registration submission with the U.S. Copyright Office for the website when the subsequent copyright registration is pre-authorized, the pre-authorization being provided prior to determination by said determining (d) that the copyright registration update is needed.

The final Office Action rejected claim 26 only on the basis specified in a prior Office Action dated July 13, 2005 which was incorporated by reference into the final Office Action. There the Examiner relied on a combination of Freivald in view of Glogau and *Information Today*. Nothing in Freivald, Glogau or *Information Today* teaches or suggests to determine whether an on-line copyright registration for the website is pre-authorized, and then, if determined to be authorized, automatically performing an on-line copyright registration for a website. Moreover, the Examiner somehow asserts that “providing on-line deposit of fees” is a teaching for “pre-authorization.” This cannot be. A deposit of fees has no ability to act as a pre-authorization to file a copyright registration update. Accordingly, it is respectfully submitted that claim 26 is further patentably distinct from Freivald in view of Glogau and *Information Today*. It is respectfully requested that the rejection of claim 26 under 35 U.S.C §103(a) be reversed.

8. Claim 30 is Patentable

Claim 30 depends from claim 24 and further recites:

wherein the email notification provides information on the amount of content change and a recommendation for another copyright registration.

The final Office Action rejected claim 30 only on the basis specified in a prior Office Action dated July 13, 2005 which was incorporated by reference into the final Office Action. However, nothing in Freivald and Glogau teaches or suggests an email notification that would provide a recommendation for another copyright registration. The final Office Action also did not address this limitation of claim 30.

Accordingly, it is respectfully submitted that claim 30 is further patentably distinct from Freivald and Glogau. It is respectfully requested that the rejection of claim 30 under 35 U.S.C §103(a) be reversed.

9. Claim 32 is Patentable

Claim 32 depends from claim 24 and further recites:

(h) determining whether the subsequent copyright registration is pre-authorized to be performed; and
(i) automatically performing the subsequent copyright registration when it is determined that the subsequent copyright registration is pre-authorized, the pre-authorization being provided prior to determination by said determining (d) that the copyright registration update is needed.

The final Office Action rejected claim 32 only on the basis specified in a prior Office Action dated July 13, 2005 which was incorporated by reference into the final Office Action. There the Examiner relied on a combination of Freivald in view of Glogau and *Information Today*. Nothing in Freivald, Glogau or *Information Today* teaches or suggests to determine whether a subsequent copyright registration is pre-authorized, and then, if determined to be authorized, automatically performing the subsequent copyright registration for a website.

Moreover, the Examiner somehow asserts that “providing on-line deposit of fees” is a teaching for “pre-authorization.” This cannot be. A deposit of fees has no ability to act as a pre-authorization to file a copyright registration update. Accordingly, it is respectfully submitted that claim 32 is further patentably distinct from Freivald in view of Glogau and *Information Today*. It is respectfully requested that the rejection of claim 32 under 35 U.S.C §103(a) be reversed.

10. Claim 34 is Patentable

Claim 34 depends from claim 24 and further recites:

wherein the change indication includes at least a degree of change, and

wherein said determining (d) whether the copyright registration update is needed for the website comprises:

comparing the degree of change to a user-alterable threshold level; and

determining that the copyright registration is needed when the degree of change exceeds the user-alterable threshold level.

The final Office Action rejected claim 34 on the erroneous basis of CRC values being “user-alterable. See final Office Action, page 4. A CRC value is a number resulting from a mathematical function; it is not a “user-alterable threshold level” for use in determining whether a copyright registration update is needed.

Accordingly, it is respectfully submitted that claim 34 is further patentably distinct from Freivald in view of Glogau. It is respectfully requested that the rejection of claim 34 under 35 U.S.C §103(a) be reversed.

11. Claim 35 is Patentable

Claim 35 depends from claim 24 and further recites use of “page defining information”. As explained above regarding claim 19, the CRC approach used in

Freivald cannot be equated to, and thus fails to teach or suggest, use of page defining information as recited in claim 35.

Accordingly, it is respectfully submitted that claim 35 is further patentably distinct from Freivald in view of Glogau. It is respectfully requested that the rejection of claim 35 under 35 U.S.C §103(a) be reversed.

12. Claim 36 is Patentable

Claim 36 depends from claim 24 (via claim 25) and further recites, with respect to attributes of page defining information, that: “when producing the change indication, at least one of the attributes being compared is weighted differently than another of the attributes”. The Examiner’s confused and speculative comments on page 4 of the final Office Action are unsupportable. As explained above regarding claim 19, the CRC approach used in Freivald cannot be equated to, and thus fails to teach or suggest, use of page defining information as recited in claim 35. Moreover, nothing in Freivald and Glogau teaches or suggests that attributes can be weighted differently. The CRC values are not attributes, and there is nothing in either Freivald or Glogau that would allow attributes of page defining information to be weighted differently.

Accordingly, it is respectfully submitted that claim 36 is further patentably distinct from Freivald in view of Glogau. It is respectfully requested that the rejection of claim 36 under 35 U.S.C §103(a) be reversed.

13. Claim 37 is Patentable

Claim 37 pertains to a program storage device embodying a program of computer instructions executable by a machine to determine whether a copyright registration update is needed. More specifically, claim 37 is as follows:

A program storage device readable by a machine, tangibly embodying a program of computer instructions executable by the

machine to determine whether a copyright registration update is needed, said program storage device comprising:

computer instructions for comparing page defining information of at least a portion of a website against page defining information of a corresponding portion of an earlier stored version of the website that was previously subject to a copyright registration with the U.S. Copyright Office to produce a change indication; and computer instructions for determining that the copyright registration update is needed for the website based on the change indication,

wherein the page defining information pertains to a plurality of different attributes of the at least a portion of the website, the attributes including at least two or more of: name, position, size, date, and links.

i. FREIVALD AND GLOGAU ARE CLEARLY DEFICIENT IN TEACHING OR SUGGESTING CLAIM 37

a. Neither Freivald nor Glogau teach or suggest a copyright registration update of any sort

Claim 37 pertains to a program storage device embodying a program of computer instructions executable by a machine to determine whether a copyright registration update is needed for a website.

As previously noted, Freivald does not teach or suggest monitoring to determine when to update a copyright registration. Freivald simply offers a change-detection web server that can automatically check web pages (web-page documents) for recent changes. A user can be notified by electronic mail when a change to a web page has been detected. Once notified, the user can presumably take appropriate action, such as obtaining a new version of the webpage or updating failed links. However, detecting a change in a webpage and informing a user that the webpage has changed is not in any way an update to any type of registration --much less a copyright registration. Consequently, nothing in Freivald can teach or suggest that webpage changes or, failed links (e.g., URLs) as specifically referenced by the Examiner, can in any way teach or suggest determination of a need for a copyright registration update.

As for Glogau, the Examiner relies on Glogau for “copyright registration functionality”. While Glogau does disclose copyright registration for a website, Glogau offers no teaching or suggestion for a copyright registration update or monitoring therefor. Instead, Glogau teaches a method to determine the proper copyright forms for registration of a copyright for the website with the Copyright Office.

Thus, it is submitted that nothing in Freivald or Glogau teaches or suggests anything about copyright registration updates.

b. Neither Freivald nor Glogau teach or suggest determining whether a copyright registration update is needed for a website based on a change indication

As noted above, claim 37 pertains to a program storage device that can determine whether a copyright registration update is needed for a website. In doing so, claim 37 includes computer program code for “determining that the copyright registration update is needed for the website based on the change indication....” Hence, according to claim 37, there is a determination made that a copyright registration update is needed for a website based on a change indication.

On page 3 of the final Office Action, the Examiner incorrectly argues that Freivald teaches in “response to a sufficient degree of change, a determination is made for the need of an update action, such as a need for a correction of links (col. 13, line 65 through col. 14, line 10).” As noted above, Freivald at best can determine that changes to a webpage have been made or that links on a webpage now fail, but fails to teach or suggest any need for an update to a copyright registration.

To the extent that the final Office Action now equates the “update action” for correction of faulty links to a determination that a copyright registration update is needed, the Examiner is improperly reading Freivald. The citation to Freivald provided by the Examiner merely teaches that the “webmaster can register all of

the URL's of hyper links on his web page. Thus, when any of the linked pages change, the webmaster is notified.” There is no update to a copyright registration that occurs. Rather, when the linked page changes, a notification is sent to the webmaster so that webmaster can avoid the embarrassment of failed links – no update action is taken, taught or suggested by Freivald. Glogau equally fails to teach or suggest any need or ability for providing a copyright registration update. Hence, even if Freivald and Glogau were to be combined, the combination lacks any teaching or suggestion for determining that a copyright registration update is needed.

Accordingly, neither Freivald nor Glogau teach, disclose, or suggest computer program code for “determining that the copyright registration update is needed for the website based on the change indication” as claimed in claim 37.

c. Freivald and Glogau do not teach or suggest comparing page defining information to determine whether a copyright registration update is needed

In addition, claim 37 recites that page defining information for a website is used when comparing a current version of a website with a prior version (or earlier stored version) of the website. Specifically, claim 37 recites “computer program code for comparing page defining information of at least a portion of a website against page defining information of a corresponding portion of an earlier stored version of the website that was previously subject to a copyright registration with the U.S. Copyright Office to produce a change indication” (claim 37, lines 5-9). The results of the comparison are used to determine whether a copyright registration update is needed for the website.

Freivald and Glogau fail to teach or suggest use of page defining information when comparing a current version of a website with a prior version to determine whether a copyright registration update is needed for the website. The change-detection tool described in Freivald uses a checksum or Cyclic Redundancy Code (CRC) as a digital fingerprint to determine if a current version

of a web page is identical to a prior version of the web page. In contrast, the page defining information pertains to attributes of a website. As noted in the specification, page defining information can include a variety of different characteristics or parameters of a web page. Examples of such attributes are “file date, file size, word count, number of links, frame layout, tables, color, number of inputs, number of buttons and types of buttons, etc.” See, e.g., Specification pages 17-19. In this regard, claim 37 also specifically recites “wherein the page defining information pertains to attributes of the at least a portion of the website, the attributes including at least two or more of: name, position, size, date, and links.” Hence, it is submitted that CRC approach used in Freivald cannot be equated to, and thus fails to teach or suggest, use of page defining information as recited in claim 37.

Furthermore, the Examiner generally and erroneously generally referenced column 8, lines 1-65 of Freivald; however, there is no teaching or suggestion in Freivald for anything other than CRC or checksums which are distinct from use of page defining information pertaining to attributes as recited in claim 37.

Accordingly, neither Freivald nor Glogau teach, disclose, or suggest utilizing page defining information to produce a change indication that is used in determining whether a copyright registration update is needed for a website as recited in claim 37.

d. There is no motivation or suggestion to combine Freivald with Glogau

Appellant submits, notwithstanding the Examiner’s assertion to the contrary, that there is no reasonable rationale why anyone skilled in the art would reasonably seek to combine Freivald and Glogau. “A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of argument reliant upon ex post reasoning.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S.

Ct. 1727, 82 USPQ2d 1385, 1397 (2007). Unfortunately, the Examiner has fallen victim to hindsight reasoning.

As already noted above, even if Freivald and Glogau were somehow combined, the combination of these references would not teach or suggest all the limitations of claim 37. While such is fatal to the Examiner's rejections, there is also nothing of record that would motivate one skilled in the art to combine Freivald and Glogau as proposed by the Examiner.

There is no rational logic that would suggest that one skilled in the art would combine Freivald's "correction of failed links" of a webpage with Glogau's "copyright registration functionality" to somehow magically arrive at the ability to determine that a copyright registration for a website should be updated.

Freivald teaches comparing webpages to detect a change so as to reduce "the time and effort required by a user wanting to keep abreast of changes at a web site." Glogau, on the other hand, teaches a method to determine the proper copyright forms to register with the Copyright office. Nowhere does Freivald suggest, mention or disclose updating a copyright registration, nor does Glogau suggest, mention or disclose comparing documents to determine whether an update registration is required. Thus, there is no suggestion or motivation in the prior art references themselves to make the modification needed to arrive at claim 37. Specifically, nowhere in Freivald or Glogau does it teach or suggest "determining that the copyright registration update is needed for the website based on the change indication" as claimed in claim 37. Accordingly, common sense dictates that one of ordinary skill in the art would not attempt to combine Freivald with Glogau as proposed by the Examiner. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 82 U.S.P.Q.2d 1687 (Fed. Cir. 2007) ("common sense ... demonstrates why some combinations would be obvious and other would not").

Therefore, there is no reasonable expectation of success that the alleged combination of Freivald and Glogau would result in rendering claim 37 obvious and there is no suggestion or motivation to combine Freivald and Glogau.

ii. CONCLUSION

Accordingly, it is respectfully submitted that claim 37 is not rendered obvious by Freivald, alone or in combination with Glogau, since Freivald and Glogau both fail to teach or suggest one or more limitations recited in claim 37, the combination thereof would not yield claim 37, and there is no reasonable basis to combine Freivald and Glogau. Therefore, the rejection of claim 37 is an improper rejection. It is respectfully requested that the rejection of claim 37 under 35 U.S.C §103(a) be reversed.

Dependent claim 38 is also patentably distinct from Freivald, alone or in combination with Glogau, for at least the same reasons as independent claim 37. This dependent claim also recite additional limitations that further distinguish these dependent claims from Freivald and Glogau. It is respectfully requested that the rejection of claims 37 and 38 under 35 U.S.C §103(a) be reversed.

B. CONCLUSION

For at least the reasons set forth in this Appeal Brief, the Board should reverse the Final Rejection and should order the Examiner to pass this application to allowance.

If any additional fees are required in connection with the filing of this Appeal Brief, the Commissioner is authorized to charged Deposit Account No. 504298 (Order No. CDTP006).

Respectfully submitted,

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VIII. CLAIM APPENDIX

1. (Cancelled).

2. (Cancelled).

3. (Cancelled).

4. (Cancelled).

5. (Cancelled).

6. (Previously Presented) A computer-implemented method as recited in claim 19, said wherein said comparing comprises:

identifying an address location for the website;

periodically crawling the address location for the website to determine an amount or degree of content change at the website as compared to the earlier stored version of the website, and

wherein said determining determines that another copyright registration with the U.S. Copyright Office is needed for the website when the amount or degree of content change exceeds a predetermined threshold.

7. (Previously Presented) A computer implemented method as recited in claim 6, wherein said method further comprises:

providing a notification to a contact for the website when it is determined that another copyright registration is needed for the website.

8. (Previously Presented) A computer implemented method as recited in claim 7, wherein the notification is an email notification automatically sent to the contact when it is determined that another copyright registration is needed for the website.

9. (Previously Presented) A computer implemented method as recited in claim 8, wherein the email notification provides information on the amount of content change and a recommendation for another copyright registration.

10. (Original) A computer implemented method as recited in claim 9, wherein the email notification further provides an indication of where the content change occurs within the website.

11. (Previously Presented) A computer implemented method as recited in claim 19, wherein said method further comprises:

registering of the website again with the U.S. Copyright Office based at least in part on the copyright registration application information when it is determined that the copyright registration update is needed for the website.

12. (Previously Presented) A computer implemented method as recited in claim 11, wherein said registering of the website is an on-line registration of the website via on-line submission with the U.S. Copyright Office.

13. (Cancelled).

14. (Cancelled).

15. (Cancelled).

16. (Previously Presented) A computer implemented method as recited in claim 19, wherein said method further comprises:

on-line registering of the website with the U.S. Copyright Office when it is determined that the copyright registration update is needed for the website, wherein the on-line registration references the previous registration.

17. (Cancelled).

18. (Cancelled).

19. (Previously Presented) A computer-implemented method for determining whether a copyright registration update is needed, said method comprising:

comparing page defining information of at least a portion of a website against page defining information of a corresponding portion of an earlier stored version of the website that was previously subject to a copyright registration with the U.S. Copyright Office to produce a change indication;

determining that the copyright registration update is needed for the website based on the change indication;

producing copyright registration application information when it is determined that the copyright registration update is needed for the website; and

storing the copyright registration application information,

wherein the page defining information pertains to attributes of the at least a portion of the website, the attributes including at least two or more of: date, size, word count, links, frame layout, tables, colors, number of inputs, and number or types of buttons.

20. (Previously Presented) A computer implemented method as recited in claim 19, wherein said method further comprises:

providing a notification to a contact for the website when it is determined that the copyright registration update is needed for the website.

21. Cancelled.

22. (Previously Presented) A computer implemented method as recited in claim 20, wherein the notification is an electronic mail message.

23. (Previously Presented) A computer implemented method as recited in claim 22, wherein said method further comprises:

determining whether the copyright registration update is authorized to be performed; and

automatically performing an on-line copyright registration for the website when the copyright registration update is authorized.

24. (Previously Presented) A computer implemented method for performing a copyright registration update, said method comprising:

(a) storing descriptive information on a prior version of a website that was previously subject to a prior copyright registration with the U.S. Copyright Office;

(b) storing prior registration information pertaining to the prior copyright registration of the website;

(c) comparing at least a portion of descriptive information on a current version of the website against at least a portion of the descriptive information on the prior version of the website that was previously subject to the prior copyright registration to produce a change indication;

(d) determining that the copyright registration update is needed for the website based on the change indication;

(e) determining update registration information for a subsequent copyright registration for the website when said determining (d) determines that the copyright registration update is needed, the update registration information automatically being based at least in part on the prior registration information pertaining to the prior copyright registration of the website;

(f) initiating the subsequent copyright registration for the website with the U.S. Copyright Office; and

(g) storing the subsequent registration information pertaining to the subsequent copyright registration of the website.

25. (Previously Presented) A computer implemented method as recited in claim 24, wherein said method further comprises:

(h) determining whether the subsequent copyright registration is authorized to be performed; and

(i) automatically performing an on-line copyright registration submission with the U.S. Copyright Office for the website when the subsequent copyright registration is authorized.

26. (Previously Presented) A computer implemented method as recited in claim 24, wherein said method further comprises:

(h) determining whether the subsequent copyright registration is pre-authorized to be performed; and

(i) automatically performing an on-line copyright registration submission with the U.S. Copyright Office for the website when the subsequent copyright registration is pre-authorized, the pre-authorization being provided prior to

determination by said determining (d) that the copyright registration update is needed.

27. (Previously Presented) A computer implemented method as recited in claim 24, wherein said method further comprises:

(h) providing a notification to a contact for the website when said determining (d) determines that the copyright registration update is needed for the website.

28. (Previously Presented) A computer implemented method as recited in claim 27, wherein the notification is an electronic mail message.

29. (Previously Presented) A computer implemented method as recited in claim 27, wherein the notification is an email notification automatically sent to the contact when it is determined that the copyright registration update is needed for the website.

30. (Previously Presented) A computer implemented method as recited in claim 29, wherein the email notification provides information on the amount of content change and a recommendation for another copyright registration.

31. (Previously Presented) A computer implemented method as recited in claim 30, wherein the email notification further provides an indication of where the content change occurs within the website.

32. (Previously Presented) A computer implemented method as recited in claim 24, wherein said method further comprises:

(h) determining whether the subsequent copyright registration is pre-authorized to be performed; and

(i) automatically performing the subsequent copyright registration when it is determined that the subsequent copyright registration is pre-authorized, the pre-authorization being provided prior to determination by said determining (d) that the copyright registration update is needed.

33. (Previously Presented) A computer implemented method as recited in claim 19, wherein said method further comprises:

determining whether the copyright registration update is pre-authorized to be performed; and

automatically performing a copyright registration for the website when it is determined that the copyright registration update is pre-authorized the pre-authorization being provided prior to determination by said determining whether the copyright registration update is needed.

34. (Previously Presented) A computer implemented method as recited in claim 24, wherein the change indication includes at least a degree of change, and

wherein said determining (d) whether the copyright registration update is needed for the website comprises:

comparing the degree of change to a user-alterable threshold level;
and

determining that the copyright registration is needed when the degree of change exceeds the user-alterable threshold level.

35. (Previously Presented) A computer implemented method as recited in claim 24,

wherein the descriptive information on the prior version of the website and the current version of the website include page defining information,

wherein said comparing (c) compares page defining information for the current version of the website against page defining information for the prior version of the website, and

wherein the page defining information pertains to a plurality of attributes.

36. (Previously Presented) A computer implemented method as recited in claim 35, wherein, when producing the change indication, at least one of the attributes being compared is weighted differently than another of the attributes.

37. (Previously Amended) A program storage device readable by a machine, tangibly embodying a program of computer instructions executable by the machine to determine whether a copyright registration update is needed, said program storage device comprising:

computer instructions for comparing page defining information of at least a portion of a website against page defining information of a corresponding portion of an earlier stored version of the website that was previously subject to a copyright registration with the U.S. Copyright Office to produce a change indication; and

computer instructions for determining that the copyright registration update is needed for the website based on the change indication,

wherein the page defining information pertains to a plurality of different attributes of the at least a portion of the website, the attributes including at least two or more of: name, position, size, date, and links.

38. (Previously Presented) A program storage device as recited in claim 37, wherein said program storage device further comprises:

computer instructions for producing copyright registration application information when it is determined that the copyright registration update is needed for the website.

IX. EVIDENCE APPENDIX

There is currently no evidence entered and relied upon in this Appeal.

X. RELATED PROCEEDINGS APPENDIX

There are currently no decisions rendered by a court or the Board in any proceeding identified in the Related Appeals and Interferences section.